United Nations CEDAW/C/POL/CO/7-8/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
22 September 2017

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of Poland

Addendum

Information provided by Poland in follow-up to the concluding observations*

[Date received: 22 September 2017]

Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

17-16708 (E) 031017

Please recycle

17. The Committee recommends that the State party:

(a) Strengthen the mandate and authority of the Government Plenipotentiary for Equal Treatment, provide that office with the conditions enabling it to implement gender equality policies and ensure the implementation of a gender mainstreaming strategy in all government ministries and agencies, as well as at the municipal level;

(b) Increase the financial and human resources of the office of the Government Plenipotentiary for Equal Treatment, while providing it with a separate budget to support its gender equality activities and programmes and to ensure effective coordination of government policies on gender equality, and ensure that every ministry allocates a special budget for the effective implementation of the National Action Plan for Equal Treatment.

Re 17 a.

1. During the reporting period — just as during the previous period — all tasks related to the creation and implementation of the Government's gender equality policy were carried out by the Government Plenipotentiary for Equal Treatment. The Plenipotentiary is responsible for the implementation of the Government's equal treatment policy, including prevention of discrimination, in particular on the grounds of sex, race, ethnic origin, nationality, religion, denomination, belief, age, disability and sexual orientation. The Government Plenipotentiary for Equal Treatment, together with 16 Voivodes' Plenipotentiaries for Equal Treatment (appointed in all voivodships) and Equal Treatment Coordinators appointed in 18 out of 19 ministries (with the exception of the Ministry of Justice) form the national mechanism for equal treatment and carry out activities aimed, inter alia, at tackling discrimination against women and at gender mainstreaming. Structures responsible for implementing the principle of equal treatment (including gender equality) have been created in order to strengthen the capacity of public administration to formulate policy objectives related to equal treatment and their effective implementation (also at the regional and local level). Following the appointment of Coordinators and Plenipotentiaries, the cooperation of the Government Plenipotentiary for Equal Treatment with such partners provides a benefit of a significantly enhanced impact of measures taken throughout the country. This mechanism has been in operation since its pilot phase launched in 2011 and shall be supported in the coming years.

2. The equal treatment mechanism is to be strengthened, inter alia, through the implementation of a project within the Knowledge, Education and Development Operational Programme, coordinated by the Government Plenipotentiary for Equal Treatment. The aim of the project is to monitor progress in implementing the National Action Programme for Equal Treatment, including the development of a coherent system for monitoring the situation and supporting Voivodes' Plenipotentiaries for Equal Treatment. Eventually, an inter-sectoral cooperation model (involving ministries and including Coordinators of Equal Treatment) shall be created and disseminated, with an aim to implement equal opportunities for women and men. It is expected that the implementation of the project shall allow for the development and promotion of a system of cooperation that will facilitate the horizontal implementation of equal treatment policy within central, regional and local government bodies, with the participation of NGOs and social partners. This shall increase the efficiency and effectiveness of gender equality policies and anti-discrimination policies. The project is to be implemented between 2017 and 2020.

3. In 2013-2016, the National Action Programme for Equal Treatment served as the main instrument of the implementation of gender mainstreaming policies in Poland in all ministries and government agencies, regional and local government units. It allowed for a comprehensive assessment of progress in the implementation of the equal treatment principle and the identification of areas requiring improvement. The implementation of the Programme was particularly effective for two main reasons: firstly, all objectives and priorities in the area of equal treatment were listed in a single governmental document; secondly, its implementation was coordinated and monitored at the central level by a single entity, i.e. the Government Plenipotentiary for Equal Treatment. Various entities and organisations were involved in its implementation, which allowed for a more comprehensive approach and an inclusion of equal treatment principles into measures aimed at various disadvantaged groups in Poland.

4. The Programme is currently being analysed and evaluated. Key role in the process is played by the inter-ministerial Monitoring Team for the National Action Programme for Equal Treatment, established on the basis of Decree No. 29 of the Prime Minister of 13 April 2015, and the amending Decree of the Prime Minister of 22 March 2016 (pertaining to the members of the Team). On the basis of the assessment made by the Monitoring Team, it has been decided that the Programme shall be continued; its new edition, to be implemented in the years to come, is currently at a planning stage.

Re 17 b.

5. Between 2008 and 2016, the Government Plenipotentiary for Equal Treatment was provided with substantive, organisational and legal support from the Office of the Government Plenipotentiary for Equal Treatment, established within the Chancellery of the Prime Minister. Since 2016, the Plenipotentiary has been assisted by the Equal Treatment Unit within the structure of the Civil Society Department of the Chancellery of the Prime Minister. The Unit employs six civil servants. The Government Plenipotentiary for Equal Treatment does not have a separate budget to carry out its tasks. The activities of the Plenipotentiary are financed from the general budget of the Chancellery of the Prime Minister. In addition to the budget, the Plenipotentiary benefits from European funds, which are used for co-financing projects implemented by teams assisting the Government Plenipotentiary for Equal Treatment.

6. An analysis of reports on the implementation of the National Action Programme for Equal Treatment shows that ministries and institutions designated to carry out specific tasks within the Programme have had access to the necessary financial resources (allocated from the budget of each ministry or institution). Also, European funding was used for the implementation of certain tasks.

29. In line with its general recommendation No. 23 on women in political and public life, the Committee encourages the State party:

(a) To amend the Electoral Act with a view to placing candidates, women and men, in alternating positions on electoral lists (so-called "slide" or "zip" system in order to achieve parity;

(b) To adopt temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures, including quotas, benchmarks with specific time frames and training, in order to achieve equal and full participation of women in political and public life and in decision-making at all levels, including in the judiciary, executive functions at all levels and in international organizations.

Re 29 a.

7. Provisions relating to quotas on electoral lists were introduced into Polish law in 2011. Pursuant to the provisions of Article 211 (3), Article 425 (3) and Article 459 of the Act of 5 January 2011 — the Election Code (Dz.U. of 2017, item 15), the minimum share of male and female candidates on an electoral list shall stand at 35% of the total number of candidates on the list.

8. In relation to elections to poviat (county) councils, Article 457 (2) of the Election Code stipulates that if the number of candidates on an electoral list is 3, at least 1 of them should be a woman (or a man).

9. When a list of candidates is submitted to the electoral commission, the latter shall, in the presence of the person submitting the list, examine whether it meets the abovementioned requirements. If they are not fulfilled, the list of candidates is not approved.

10. The above rules apply to elections in multi-member constituencies, i.e. to general elections to the Sejm, the European Parliament, to voivodship assemblies (*sejmiki województw*), to poviat councils and to the councils of cities with the status of poviat. In elections in single-mandate constituencies, i.e. elections to the Senate, to gmina (municipal) councils, as well as presidential elections, elections of mayors, no legal acts regulate the number of male and female candidates.

11. In the previous (seventh) term of office of the Sejm (2011-2015), legislative work was under way on a draft of act introducing the so-called "slide" system, i.e. placing candidates, women and men, in alternative positions on electoral lists (Sejm printed papers No. 1146 and 1151 — drafts submitted by MPs, examined jointly). The act has not, however, been adopted by the Sejm. The matter has not been a subject of any legislative initiatives during the current term of office of the Sejm (initiated in 2015).

Re 29 b.

Parliament

12. Legal provisions outlined in response to Recommendation 29 a are the main instrument ensuring a balanced share of women among Members of Parliament. As a complementary measure implemented in 2015 and related to parliamentary elections, the Government Plenipotentiary for Equal Treatment called on the leaders and board members of political parties to take action aimed at ensuring a balanced participation of women and men in the electoral process.

13. During the reporting period, parliamentary elections to the Sejm and the Senate were held (25 October 2015). Women accounted for 42% of candidates to the Sejm. As shown in Table 1 of the Annex, the number of female MPs has been growing steadily since 1989; it currently stands at 27.2%.

14. In 2015 elections to the Senate, men accounted for as much as 86.2% of candidates; 87% of Polish senators are men. According to the data presented in Table 2 in the Annex, the share of women senators has not increased significantly in the past decades. It has remained at approx. 13% during the last two terms of office of the Senate.

15. Detailed data on candidates in 2015 parliamentary elections and the number of mandates obtained by men and women are presented in Tables 3 and 4 of the Annex.

Local government

16. Legal provisions presented in response to Recommendation 29 a are the main instrument ensuring a balanced share of women in the elected bodies of local government insofar as they apply to them.

17. Given the low share of women both in local government units and in the Polish Parliament, in 2014 (anticipating the forthcoming local elections), the Government Plenipotentiary for Equal Treatment addressed leaders and board members of political parties to take steps in order to ensure a balanced proportion of women and men on electoral lists. In cooperation with the Institute of Public Affairs and non-governmental organizations, two conferences were organized: "Will gminas be helpless? Women's participation in local elections in 2014" and "Women's participation in 2014 local elections: challenges and opportunities". In addition, training sessions for a group of women candidates in local elections were organised. A meeting combined with a workshop for women candidates in local elections was organised in 2014 by the Chancellery of the President of the Republic of Poland, in cooperation with the Congress of Women, the "School of Leaders" Association, the Foundation for Rural Support and the Government Plenipotentiary for Equal Treatment.

18. The latest local elections took place on 16 November 2014 (second round on 30 November). As a result, a total of 12,274 women were elected councillors at various levels of local government (voivodship assemblies, poviat councils, gmina councils, district councils of Warsaw); they represent 26.2% of all councillors. Detailed data is presented in Table 5 of the Annex. Women represent 10-11% of directly elected village, town and city mayors (*wójt, burmistrz, prezydent miasta*). For detailed data, see Table 6 of the Annex.

The Council of Ministers

19. In the government formed by the United Right, which has been in power since the parliamentary elections of 2015, a woman has been appointed Prime Minister, five women are ministers, three are Secretaries of State and twelve are Undersecretaries of State. In the coalition government formed by the Civic Platform and the Polish People's Party, which had been in power until the 2015 election, there was a female Prime Minister between September 2014 and November 2015, while six women were appointed ministers. Detailed data on the share of female ministers and deputy ministers is provided in Table 7 of the Annex.

Civil service

20. Gender equality in the civil service is ensured, inter alia, through equal access to the service, in accordance with the Civil Service Act of 21 November 2008 (Dz. U. of 2016, item 1345). The Civil Service Act — which is a specific act related to the Labour Code — and its implementing acts do not contain any discriminatory provisions. It should also be emphasized that since 2007 positions of employment in the civil service have been subject to description and evaluation, which greatly contributes to ensuring equal treatment. The tools used for this purpose were further developed in 2011 and 2015, pursuant to the decrees of the Prime Minister. They help to assess the value and importance of a given position from the point of view of the office in question. They are applied to define internal relationships and serve as the basis for establishing a fair remuneration structure (relating to obligations and responsibilities). The evaluation of posts is a tool conducive to rational staff and payroll decisions, as both the job description and the evaluation pertain solely to the post and not to the person appointed to it. Pursuant to the Decree No. 3 of the Head of the Civil Service of 30 May 2012 on standards of human resource management in

the civil service, the evaluation of the post is taken into account, inter alia, for calculating the basic salary of a civil servant. The implementation of human resource management standards in the civil service — in ministries, central administration offices and voivodship offices – has been subject to analysis. It transpires that, in 91% of offices employing civil servants, managing directors take into account the results of evaluations carried out with respect to positions when calculating basic salaries. Thus, job evaluation is a management tool that fosters the implementation of the principle of equal treatment of men and women in terms of remuneration. It has also been confirmed by the Supreme Audit Office, which — in its inspection report of 10 December 2013 (ref. no. 167/2013/P13151/LKR) — recommended that this practice becomes generally adopted.

21. Furthermore, numerous training courses on the principle of equal treatment and anti-discrimination are organised for civil servants; they contribute to developing professional competences and, consequently, empower women to apply for any post within government administration. For example, in 2014-2016, the Ministry of Health organised equal treatment training for a total of 170 civil servants. The Ministry of Digitalisation in 2016 held five training sessions for its employees. According to data submitted for the purposes of reporting on the implementation of the National Action Programme for Equal Treatment, relevant training was also organized in 2016 by the Chancellery of the Prime Minister, the Ministry of the Interior and Administration, the Ministry of Family, Labour and Social Policy, the Ministry of Energy, the Ministry of Finance (also for the Customs Service), the Ministry of Infrastructure and Construction, the Ministry of National Defence, the Ministry of Agriculture and Rural Development, the Ministry of Development, the Ministry of Foreign Affairs and the Ministry of Environment.

22. The percentage share of women in the civil service (including in senior positions) in 2014-2016 is shown in Table 8 of the Annex. Although the number of women employed in the civil service is greater (70% of the total number of staff), the share of women in senior positions is below 50%; it has decreased slightly from 53.1% in 2015 to 47.3% in 2016.

23. There are, however, offices with the share of women in senior positions at the level of 50% or above, e.g. the Office for Foreigners, where women have been entrusted with 7 out of a total number of 14 senior positions (i.e. 50%). The employment of women in middle and senior management positions within the Ministry of Culture and National Heritage and 93 selected units subordinated to and supervised by it (including the Ministry's top-level management) in 2014-2016 has been subject to analysis. Its results show a minor (5%) increase in the number of women appointed to executive positions; the number of women employed in managerial positions in cultural institutions is slightly higher than the number of men.

Foreign Service

24. The structure of employment at the Ministry of Foreign Affairs — in its headquarters and in diplomatic missions — is presented in Tables 9 and 10 of the Annex. It transpires that, just as in the case of the civil service, more women than men are employed in lower positions, yet their share of senior positions is considerably lower.

25. Measures taken in order to implement the principle of equal treatment and increase the share of women in decision-making bodies in the foreign service include the introduction (in April 2017) of a training module on selected aspects of equal treatment and the prohibition of discrimination in employment, which now forms part of the compulsory training for candidates applying for senior positions in

diplomatic missions. The training is organised by the Equal Treatment Coordinator at the Ministry of Foreign Affairs. In addition, in the autumn of 2016, the Director General of the Foreign Service sent information on the principle of equal treatment and proper communication in employee relations to all diplomatic missions and heads of departments and offices of the MFA.

Judiciary

26. The judiciary system, including the functioning of courts, as well as the status of judges and their appointment, is governed by the Act of 27 July 2001 — Law on the System of Common Courts Organisation (Dz. U. of 2016, item 2062, as amended). According to the provisions of this law, judges of common courts are appointed by the President of the Republic of Poland at the motion of the National Council of the Judiciary. Any person, regardless of their gender, who fulfils specific conditions and requirements, may apply for a given position. The law also regulates the remuneration of judges of common courts, which is calculated using a method that applies to both men and women. The remuneration of judges holding equivalent positions varies depending only on their length of service and the scope of their duties.

27. Data on the number of judges of common courts and judges acting as presidents or vice presidents of the court is presented in Tables 11 and 12 of the Annex. It should be added that the position of the First President of the Supreme Court and of the President of the Constitutional Tribunal are currently held by women.

Police

28. In terms of selection procedures, recruitment and wages, as well as training and professional development, the Police have adopted a competence model. Instead of focusing on the physical characteristics of each gender, it is based on assessing the candidate's overall fitness and ability to ensure safety. This model complies with national regulations, the law of the European Union and all ratified international agreements. Recruitment and selection of male and female police officers follows the same principles, and the number of women in the Police has been increasing for a number of years; at present (as of 1 June 2017), they account for 15.88% of the police workforce.

29. Promotion and access to professional training are also governed by the competence model. No formal barriers hinder women's advancement to higher-ranking positions, provided that they have the skills, characteristics and predispositions to manage a team. An example of the socio-cultural evolution is the presence of women among senior staff and their promotion to the rank of general. Currently, the Deputy Chief of the Police is a woman in the rank of Superintendent of Police (General).

30. The results of internal analyses have not revealed many cases of mobbing, sexism or harassment within the Police force. However, for prevention purposes equal opportunities within the Police were promoted by a special team that operated until 2017. As a result, police uniforms have been modified, anti-mobbing and anti-discrimination procedures have been introduced, a discussion about the reconciliation of one's professional career with motherhood has been initiated, etc. The introduction of parental leave for fathers, limitations to night-time duties and breastfeeding breaks are only a few examples of the many proactive compensatory and supportive measures implemented.

31. Equal treatment training (e.g. on equality between women and men) is a permanent component of the educational programme for all members of the police force.

Border Guard

32. In recent years, the share of female officers in the Border Guard has systematically increased; it currently stands at approximately 25%. All recruitment, remuneration and promotion criteria, including those governing access to senior positions, apply in the same manner to men and women. The only exception is the physical fitness test that forms part of the recruitment procedure: different criteria have been introduced for men and women. In the light of the principle of equal treatment in employment, this distinction is objectively justified by a legitimate objective, i.e. ensuring equal access to employment for men and women.

33. Specific measures are also taken to tackle unequal treatment in employment in the Border Guard. In 2014, Decision No. 121 of the Commander of Border Guard of 30 June 2014 on the introduction of procedures with respect to cases of breach of the equal rights principle (Dz. Urz. KGSG of 2014, item 88) was adopted; it now forms part of internal legal acts as a formal and practical reference to the statutory obligation to counteract any legally prohibited phenomena. Following the entry into force of the decision, any actions and behaviours that may be interpreted as unequal treatment, as defined in the Act of 3 December 2010 on the implementation of certain European Union regulations on equal treatment, can be reported to one's superior in charge of human resources; reported cases are examined by committees appointed by those superiors. The anti-discrimination procedure was implemented with respect to the staff of the Border Guard through amending regulations governing the functioning of the Border Guard's organizational units, based on the provisions of the Act on the implementation of certain European Union regulations on equal treatment and the provisions of the Law of 26 June 1974 — the Labour Code.

34. Since 2015, a module on human rights forms part of all curricula of the so-called qualified training (basic training, NCO training, warrant officer training, specialized training for first rank officers), and Border Guard staff. In order to standardize training in this area, all Border Guard Training Centres now hold training materials pertaining to human rights, which also address the topic of equal treatment in employment.

Government Protection Bureau

35. A team in charge of developing a strategy of equal treatment (the decision of the Head of the Government Protection Bureau No. 1196/2014 of 8 November 2014) was created within the Government Protection Bureau. The strategy developed by the team was subsequently implemented by virtue of the Order of the Head of Government Protection Bureau No. 60/2015 of 28 August 2015. Senior staff have been provided with training on human resource management, preventing discrimination, mobbing and unequal treatment; a total of 59 staff were trained in 2015; in 2014, 66 staff participated in training on the general principles of equal treatment; in 2016, training was provided to 122 employees.

Armed Forces

36. Men and women who wish to become professional soldiers must conform to the same strict requirements defined by the Ministry of National Defence, yet physiological differences between them are taken into account. Since November

2014, different fitness requirements apply to men and women in the recruitment procedure and annual fitness tests.

37. Although no quota system has been introduced to regulate the number of women admitted to the Armed Forces, their presence in the ranks of the Polish Armed Forces has steadily increased: in 2014, women accounted for 3.2%, in 2015 for 4.29%, in 2016 for 5.04%.

38. All positions within the Armed Forces are open to women and they can be posted to missions abroad. Currently, one female soldier is a EUMM (EU Monitoring Mission) observer in Georgia, two female soldiers are defence attaché deputies, and two women are heads of important military institutions.

39. Given the small number of women in senior management and commanding positions, the Ministry of National Defence has been providing since 2016 a special training for women soldiers: "Developing Command Competencies", aimed at strengthening their leadership competencies and motivating them to aspire to highest-ranking positions. Training focused on legal bases for equal treatment in the military; combating discrimination, harassment and mobbing; reacting in situations of conflict; presenting one's own competencies; developing one's self-confidence; reconciliation of one's career in the military with family life.

Priority issue: women from rural areas

40. In the reporting period, the Ministry of Agriculture and Rural Development undertook a number of measures to ensure that the social and professional potential of women in rural areas is fully exploited and that their needs are addressed in instruments supporting agriculture and rural development in the 2014-2020 financial perspective. One of the projects was the study entitled "The situation of women in agriculture and in rural areas. Characteristics, standards and expectations", followed by a national conference "Do women benefit from Rural Development Programme (RDP)? The role of women in sustainable rural development", as well as the publication entitled "Good Practices of Women Beneficiaries of RDP". In 2015, a two-day conference was held; its participants discussed "Labour reserves in agriculture as a chance for economic development. Good practices and new opportunities in the context of occupational mobility of farmers and their families". One panel was devoted to activating female labour resources in rural areas.

41. These initiatives, as well as many other conferences and meetings with representatives of the Ministry, have contributed not only to diagnosing the needs of women in rural areas and actively supporting their professional development and economic recovery, but also to building the awareness of women living in rural areas. Such initiatives also provided them with information about the available opportunities for their social development, participation in public life and the use of instruments available within support programmes in 2014-2020. Consequently, in 2014, the Council of Women and Families from Rural Areas was established at the National Council of Agricultural Chambers. The Council consists of women who are active members of the agricultural self-government; it acts as an advisory body, established on the basis of an agreement concluded between the National Council of Agriculture Chambers and regional agriculture chambers. The aim of the Council is to mobilize women from rural areas and to prevent discrimination in social, political and economic life; to identify problems of women and families in rural areas and develop effective solutions; to undertake and support actions for the development of education, in order to provide equal opportunities to children and young people from rural areas and, finally, to suggest measures conducive to job creation.

42. In 2017, the Ministry of Agriculture and Rural Development plans to carry out a project entitled "The role of female leaders of rural communities in local

development processes", whose aim is to train at least 800 women and prompt their engagement within local communities. In addition, in the framework of the strategic project "(In)dependent", the Ministry of Agriculture and Rural Development coordinates the project "People-friendly farms". The aim of this initiative is to facilitate access to affordable and high quality social services through the development and implementation of care services for members of rural households who rely on the assistance of others (care farms). The emergence of care farms shall positively affect the quality of life in rural areas. It will be important not only for those who require direct support, but also for persons providing care (mainly women), who are often forced to give up their professional and public life in order to cater for the needs of dependent family members. In the pilot phase of the project in 2017, training for approximately 1,000 participants was organised.